



PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

9

Application Number

10/756,774

Filing Date

January 12, 2004

First Named Inventor

Alan M. EZRIN, Ph.D.

Art Unit

Not Yet Assigned

Examiner Name

Not Yet Assigned

Attorney Docket Number

500862001810

**ENCLOSURES (Check all that apply)**☐ Fee Transmittal Form☐ Fee Attached☐ Amendment/Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☒ Information Disclosure Statement  
(3 pages)☐ Certified Copy of Priority  
Document(s)☐ Response to Missing Parts/  
Incomplete Application☐ Response to Missing Parts  
under 37 CFR 1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a  
Provisional Application☐ Power of Attorney, Revocation  
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) \_\_\_\_\_☐ After Allowance Communication  
to Group☐ Appeal Communication to Board of  
Appeals and Interferences☐ Appeal Communication to Group  
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please  
identify below):\* PTO 1449 Form (5 pages)  
w/107 CITED references

\* Return Postcard

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**Firm  
or  
Individual nameMORRISON & FOERSTER LLP  
Michael R. Ward - 38,651

(Customer No.: 20872)

Signature

Date

February 23, 2004

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: February 23, 2004

Signature:

(Lilia Olsen)



**CERTIFICATE OF MAILING BY FIRST CLASS MAIL**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to:  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 26, 2004.

(Lilia Olsen)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Alan M. EZRIN, Ph.D. et al.

Serial No.: 10/756,774

Filing Date: January 12, 2004

For: PULMONARY DELIVERY FOR  
BIOCONJUGATION

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

**INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents marked with an asterisk (\*) were previously submitted in an Information Disclosure Statement and/or Office Action, directed to the related application Serial Number 09/656,121, filed September 6, 2000, (allowed November 4, 2003) and, accordingly, copies are not included herewith. This protocol conforms with 37 C.F.R. § 1.98(d) and M.P.E.P. 609(A)(2). The Examiner is requested to make these documents of record in the application.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114.
- ☒ **Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.**
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
  - ☐ A fee is required. A check in the amount of \_\_\_ is enclosed.
  - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of \_\_\_ is enclosed.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

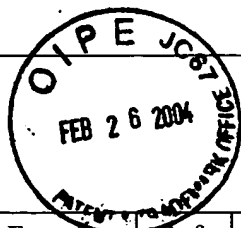
In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **500862001810**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: February 20, 2004 Respectfully submitted,

By: Michael R. Ward  
Michael R. Ward  
Registration No. 38,651

Morrison & Foerster LLP  
425 Market Street  
San Francisco, California 94105-2482  
Telephone: (415) 268-6237  
Facsimile: (415) 268-7522

<b>Form PTO-1449</b>  <b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>  <i>(Use several sheets if necessary)</i>	Docket Number 500862001810	Application Number 10/756,774
	Applicant  Alan M. EZRIN, Ph.D. et al.	
	Filing Date January 12, 2004	Group Art Unit Not Yet Assigned
	Mailing Date  February 23, 2004	



## U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	11/30/82	*4,361,553	Loh et al.			
	2.	07/1984	*4,462,941	Lee et al.			
	3.	3/26/85	*4,507,234	Kato et al.			
	4.	1/1/91	*4,981,979	Sivam			
	5.	5/21/91	*5,017,689	Hruby et al.			
	6.	2/11/92	*5,087,616	Myers et al.			
	7.	8/4/92	*5,135,736	Anderson et al.			
	8.	8/18/92	*5,140,013	Gaudreault et al.			
	9.	12/8/92	*5,169,933	Anderson et al.			
	10.	4/26/94	*5,306,809	Boon et al.			
	11.	12/27/94	*5,376,662	Ockert et al.			
	12.	6/9/96	*5,482,930	Wei et al.			
	13.	02/1996	*5,493,007	Burnier et al.			
	14.	8/20/96	*5,547,667	Angelucci et al.			
	15.	12/1996	*5,580,853	Sytkowski			
	16.	03/18/97	*5,612,034	Pouletty, et al.			
	17.	3/25/1997	*5,614,487	Battersby et al.			
	18.	08/1997	*5,654,276	Barret et al.			
	19.	9/15/98	*5,807,827	Lee et al.			
	20.	8/31/99	*5,945,033	Yen			
	21.	1/2000	*6,013,263	Barney et al.			
	22.	1/2000	*6,017,536	Barney et al.			
	23.	8/2000	*6,103,236	Suzawa et al.			
	24.	8/2002	*6,437,092	Ezrin et al.			
	25.		*09/623,533	Bridon, et al.			9/5/2000
	26.		*09/623,548	Bridon, et al.			9/5/2000

EXAMINER:	DATE CONSIDERED:
EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.	

<b>Form PTO-1449</b>  <b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>  <i>(Use several sheets if necessary)</i>	Docket Number 500862001810	Application Number 10/756,774
	Applicant  Alan M. EZRIN, Ph.D. et al.	
	Filing Date January 12, 2004	Group Art Unit Not Yet Assigned
	Mailing Date  February 23, 2004	

	27.		*09/657,276	Bridon, et al.			9/7/2000
	28.		*09/657,295	Bridon, et al.			9/7/2000

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation	
							YES	NO
	29.	12/1993	*9325217	PCT				
	30.	04/1995	*9510302	PCT				
	31.	03/1996	*9606626	PCT				
	32.	6/13/91	*9108220	PCT				
	33.	1/8/98	*9800171	PCT				
	34.	5/20/99	*9924074	PCT				
	35.	05/1999	*9924075	PCT				
	36.	05/1999	*9924462	PCT				
	37.	09/1999	*9948536	PCT				
	38.	04/1994	*0602290	EPO				
	39.	3/19/98	*2,265,861	Canada				
	40.	1/19/95	*9501806	PCT				
	41.	12/21/00	*0076550 A2	PCT				
	42.	12/21/00	*0076551 A2	PCT				
	43.	8/11/93	*0554708 A1	EPO				
	44.	7/1997	*9723243	PCT				
	45.	1/1993	*4122210	Germany				

EXAMINER:	DATE CONSIDERED:
EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.	

Form PTO-1449  <b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>  <i>(Use several sheets if necessary)</i>	Docket Number 500862001810	Application Number 10/756,774
	Applicant  Alan M. EZRIN, Ph.D. et al.	
	Filing Date January 12, 2004	Group Art Unit Not Yet Assigned
	Mailing Date  February 23, 2004	

**OTHER DOCUMENTS***(including author, title, Date, Pertinent Pages, Etc.)*

Examiner Initials	Ref. No.	Title
	46.	* <i>Cancer Research</i> , 1986, 46, 467-473.
	47.	* <i>Bioorg. &amp; Med. Chem. Lett.</i> , 1997, 7, (5), 617-622.
	48.	* <i>J. Med. Chem.</i> , 1998, 41, 2701-2708.
	49.	* <i>Chem. Pharm. Bull.</i> , 1997, 45, (2), 399-401.
	50.	* <i>J. Pharm. Sci.</i> , 1998, 87 (3), 338-346.
	51.	* <i>Anti-cancer Drugs</i> , 1999, 10, 785-790.
	52.	* <i>Clinical Cancer Research</i> , 1999, 5, 753-759.
	53.	* <i>European J. Cancer</i> , 1995, 31A (2), 283-284.
	54.	* <i>J. Pharm. &amp; Experimental Therapeutics</i> , 1981, 219 (2), 389-393.
	55.	* <i>Ann. NY Acad. Sciences</i> , 1971, 186, 284-286.
	56.	* <i>International J. Pharmaceutics</i> , 1991, 67, 177-184.
	57.	* <i>International J. Pharmaceutics</i> , 1993, 89, 91-102.
	58.	* <i>Proc. Natl. Acad. Sci.</i> , 1996, 93 (5), 2186-2191.
	59.	* <i>Anti-Cancer Drugs</i> , 1997, 8, 677- 685.
	60.	* <i>Anti-Cancer Research</i> , 1994, 14, 1943-1950.
	61.	* <i>Neoplasma</i> , 1988, 35, (3), 329-342.
	62.	* <i>Neoplasma</i> , 1988, 35, (3), 343-349.
	63.	* <i>Anti-Cancer Drugs</i> , 1997, 8, 835-844.
	64.	* <i>J. Surgical Research</i> , 1991, 50, 156-162.
	65.	* <i>Anti-Cancer Drugs</i> , 1999, 10, 405-411.
	66.	* <i>European J. Nucl. Med.</i> , 1995, 22 (9), 989-996.
	67.	* <i>Biol. Pharm. Bull.</i> , 1998, 21, (1), 56-61.
	68.	* <i>Br. J. Cancer</i> , 1993, 67, 274-278.

EXAMINER:	DATE CONSIDERED:
EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.	

<b>Form PTO-1449</b>  <b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>  <i>(Use several sheets if necessary)</i>		Docket Number 500862001810	Application Number 10/756,774
		Applicant  <div style="text-align: center;">Alan M. EZRIN, Ph.D. et al.</div>	
		Filing Date January 12, 2004	Group Art Unit Not Yet Assigned
		Mailing Date <span style="float: right;"><b>February 23, 2004</b></span>	
		<b>OTHER DOCUMENTS</b> <i>(including author, title, Date, Pertinent Pages, Etc.)</i>	
	69.	*Nucl. Med. Biol., 1992, 19 (6), 685-695.	
	70.	*Drug Delivery, 1999, 6, 89-95.	
	71.	*Cancer Research, 1993, 53, 4238-4242.	
	72.	*Science, 1993, 261, 212-215.	
	73.	*Biotech Report, 1994/1995, 106-107.	
	74.	*Proceedings of the 8th American Peptide Symposium, 1983, 409-412.	
	75.	*Int. J. Biochem. Cell. Biol. 1998, 30, 1281-1284.	
	76.	*Endocrinology, 1982, 110 (3). 1049-1051.	
	77.	*J. Biol. Chem. 1995, 270 (43), 25344-25347.	
	78.	*J. Dev. Physiol., 1989, 12, 55-62.	
	79.	*Biopolymers (Peptide Science), 1998, 47, 451-463.	
	80.	*Ann. Rev. Neurosci, 1984, 7, 223-255.	
	81.	*Chem. Pharm. Bull. 1979, 27, (8), 1942-1944.	
	82.	*Proc. Natl. Acad. Sci. 1986, 83, 265-269.	
	83.	*TINS, 1993, 16, 403-409.	
	84.	*Methodological Surveys in Biochemistry and Analysis, 15, 1985.	
	85.	*Metodol. Surv. Biochem Anal., vol. 15, 1985, pp. 109-114.	
	86.	*Indian Journal of Biochemistry & Biophysics, 30, 4/93.	
	87.	*Indian J. Biochem. Biophys., vol. 30, no. 2, 1993, pp. 117-122.	
	88.	*J. of Histochemistry and Cytochemistry, 32, (9), 1984.	
	89.	*J. Histochem. Cytochem, vol. 32, no. 9, 1984, pp. 945-957.	
	90.	*Cell Tissue Res. 215 (3), 1981.	
	91.	*Cell Tissue Res., vol. 215, no. 3, 1981, pp. 577-589.	
	92.	*Int. Congr. Ser. Excerpta Medica, vol. 471, 1978, pp. 177-186.	
	93.	*Febs Letters, vol. 70, no. 1, 1976.	
	94.	*Analytical Biochemistry, vol. 215, no. 1, 1993, pp. 1-8	
<b>EXAMINER:</b>		<b>DATE CONSIDERED:</b>	
EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.			



<b>Form PTO-1449</b>  <b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>  <i>(Use several sheets if necessary)</i>	Docket Number 500862001810	Application Number 10/756,774
	Applicant  Alan M. EZRIN, Ph.D. et al.	
	Filing Date January 12, 2004	Group Art Unit Not Yet Assigned
	Mailing Date  February 23, 2004	

**OTHER DOCUMENTS** *(including author, title, Date, Pertinent Pages, Etc.)*

	95.	*Filho, Pharm Sci. 2, 1996, pp. 199-201.
	96.	*Correa, Pharm Sci. 3, 1997, pp. 67-71.
	97.	*Peptide Research 8 (3) 1995, pp. 124-137.
	98.	*The J. of Pharm & Experimental Therapeutics, 280, 1997, pp. 1210-1214.
	99.	*Blood Cells, Molecules and Diseases 23 (3), 1997, pp. 58-68.
	100.	*Abstract JP 59138958, 1984, Mitsubishi Chemical Industries Co. JP.
	101.	*Database Biosis, Accession No. XP-002172298
	102.	*Patent Abstracts of Japan No. 62138430
	103.	*Biochimica et Biophysica Acta, 1991, 1118, 83-90
	104.	*J. Med. Chem., 2000, 43, 1253-1256
	105.	*J. Med. Chem., 1998, 41, 853-863
	106.	*Allergie et Immunologie, 1996, 28, 186-191
	107.	*European J. Pharmaceutical Sciences, 1996, 4, 307-319

EXAMINER:	DATE CONSIDERED:
EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.	